

## 46 Am. Jur. 2d Judges § 147

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### Judges

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### IX. Disqualification to Act in Particular Case

#### B. Grounds for Disqualification


#### 5. Prior Participation in, Connection with, or Knowledge of the Case or Parties as Grounds for Disqualification

##### b. Prior Participation in or Connection with Case as Judge as Grounds for Disqualification

## § 147. Prior participation in or connection with case as judge as grounds for disqualification, generally

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  47(2), 48

### A.L.R. Library

[Disqualification of Judge for Having Decided Different Case Against Litigant—State Cases](#), 85 A.L.R.5th 547

### Trial Strategy

[Disqualification of Trial Judge for Cause](#), 50 Am. Jur. Proof of Facts 3d 449

A motion for disqualification of a judge may not ordinarily be based simply on a judge's participation in earlier cases.<sup>1</sup> Previous contact between a judge and a party, in the same or a different judicial proceeding, does not require automatic disqualification.<sup>2</sup>

## CUMULATIVE SUPPLEMENT

### Cases:

Any error in permitting judge who had previously recused herself to participate in subsequent litigation did not prejudice beneficiary in proceedings on complaint against trustee, alleging instances of misconduct related to the distribution of residual assets of trust; there was no indication that judge's decisions were affected by a conflict of interest or bias, and judge who was appointed to preside over the matter after initial judge ultimately recused herself reaffirmed initial judge's decisions after an independent review. [Dibert v. Carpenter](#), 2017-Ohio-689, 85 N.E.3d 419 (Ohio Ct. App. 2d Dist. Champaign County 2017).

## [END OF SUPPLEMENT]

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### Footnotes

1 [Klein v. Klein](#), 153 Vt. 551, 572 A.2d 900 (1990).

2 [Los v. Los](#), 595 A.2d 381 (Del. 1991).

Neither prior knowledge of the issues of parties acquired as a judge nor prior rulings on the issues in dispute serve as grounds for disqualification of a surrogate judge under a legislatively structured system where one judge presides over all the proceedings in an estate of a decedent from the appointment of a fiduciary. [Matter of Estate of Sherburne](#), 124 Misc. 2d 708, 476 N.Y.S.2d 419 (Sur. Ct. 1984).

As to disqualification for bias or prejudice arising from prior contact with a party, see [§ 133](#).